

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AUBREANNA NORTON, Minor.

CHERYLANN ANDERSON, GUARDIAN,¹

Petitioner-Appellee,

v

LARRY BAINBRIDGE,

Respondent-Appellant,

and

AMANDA NORTON,

Respondent.

UNPUBLISHED

January 25, 2005

No. 256333

Kent Circuit Court

Family Division

LC No. 01-066602-NA

Before: Hoekstra, P.J., and Cavanagh and Borrello, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court's order terminating his parental rights to the minor child under MCL 712A.19b(3)(g), (h), (j), and (n). We affirm.

Respondent-appellant does not challenge the trial court's findings with regard to the statutory grounds for termination but contends that petitioner, the limited guardian of the minor child, lacked the authority to file a petition for termination of his parental rights because he did not receive notice of the guardianship proceedings. According to respondent-appellant, he was an interested party in the guardianship proceedings and thus was entitled to notice pursuant to MCR 5.402(C), which provides that the petitioner in a guardianship proceeding shall provide notice to interested persons. We review issues involving the interpretation of court rules de novo. *People v Petit*, 466 Mich 624, 627; 648 NW2d 193 (2002).

¹ Although petitioner's given name was spelled "Cherylann" on the order appealed, it appears from the record that the correct spelling is "Cherylan."

MCR 5.402 does not define “interested persons.” However, pursuant to MCR 5.125(B)(4), “[e]xcept as otherwise provided by law, the natural father of a child born out of wedlock need not be served notice of proceedings in which the child’s parents are interested persons unless his paternity has been determined in a manner provided by law.” Respondent-appellant was not named as the minor child’s father on her birth certificate. The petition for appointment of a limited guardian of the minor child was filed on May 3, 2000. Respondent-appellant was not listed as the father on this petition, apparently because he had denied that he was the father. On October 2, 2000, the trial court entered an order appointing petitioner as the limited guardian of the minor child. Approximately a month later, on November 14, 2000, the judgment of paternity was entered, finding that respondent-appellant was the father of the minor child. Because respondent-appellant’s paternity was not legally determined until after the order appointing petitioner as the limited guardian was entered, respondent-appellant was not entitled to notice of the guardianship proceedings. Thus, the guardianship proceeding was valid, and, consequently, petitioner had the authority to petition the court for termination of respondent-appellant’s parental rights.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Mark J. Cavanagh
/s/ Stephen L. Borrello